



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

SMC  
Docket No: 07358-00  
13 December 2000

SSGT [REDACTED] E USMC  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 26 October 2000, a copy of which is attached, and the reviewing officer's letter of 15 November 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. The Board recognized that the reviewing officer's letter of 15 November 2000 reflects that he feels the contested fitness reports should be removed. However, his letters on your behalf did not persuade them that these reports erroneously or unjustly evaluated you. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1610  
MMER/PERB  
26 OCT 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] SMC

Ref: (a) SSgt [REDACTED] Form 149 of 24 Jul 00  
(b) MCO P1610.7D w/Ch 1-5  
(c) MCO P1610.7E

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 25 October 2000 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 980101 to 980930 (DC) -- Reference (b) applies
- b. Report B - 981001 to 990611 (TR) -- Reference (c) applies

2. The petitioner contends that the Reviewing Officer should have provided stronger comments that would eliminate any doubt as to the petitioner's abilities as a staff sergeant and future promotability. To support his appeal, the petitioner furnishes a letter from the Reviewing Officer of record for both reports (Lieutenant Colonel [REDACTED]).

3. In its proceedings, the PERB concluded that both reports are administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. While the advocacy letter from Lieutenant [REDACTED] further expands on the petitioner's performance and accomplishments, it does not refute the content or accuracy of either evaluation by [REDACTED] (the Reporting Senior). Lieutenant Colonel [REDACTED] motives are obviously sincere and well-placed; however, the Board emphasizes that the performance evaluation system is not based on the advantage of hindsight. Rather, it is the recording of known/demonstrated performance **at the time**.

b. The Board notes that in his letter of 7 July 2000, Lieutenant [REDACTED] does not recommend, request, or support removal of the two fitness reports at issue. Rather, he has endorsed the petitioner's "selection and promotion" to the grade of Gunnery Sergeant.

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4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps